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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 Deborah J. Thomas,

13 Plaintiff,

14 vs.

15 The Walt Disney Company, Walt Disney
Studios, Disney Press, Pixar Animation
16 Studios, Walt Disney Feature Animation, Walt
Disney Pictures, Disney Enterprises, Inc., and
17 DOES 1 through 100, Inclusive,

18 Defendants.

CASE NO. 07-CV-04392 CW

**STIPULATION AND [PROPOSED]
ORDER REGARDING PLAINTIFF'S
MOTION TO REMAND AND
DEFENDANTS' MOTION TO DISMISS**

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20
21 WHEREAS, Defendants removed Plaintiff's action to this Court on August 24, 2007 on the
22 grounds that Plaintiff's state law claim is preempted by federal copyright law;

23 WHEREAS, Defendants filed a Motion to Dismiss Plaintiff's Complaint on August 31,
24 2007;

25 WHEREAS, this case was reassigned to this Court by Order dated September 10, 2007,
26 and the Court set the hearing on Defendants' Motion to Dismiss Plaintiff's Complaint for
27 November 1, 2007;

1 WHEREAS, Plaintiff filed a Motion to Remand her case to Santa Clara Superior Court on
2 September 27, 2007, and Defendants filed their Opposition to Plaintiff's Motion to Remand on
3 October 11, 2007;

4 WHEREAS, Defendants' Motion to Dismiss Plaintiff's Complaint and Plaintiff's Motion
5 to Remand are currently scheduled for hearing on November 1, 2007, and both parties' reply
6 briefs in support of their pending motions are due on October 18, 2007;

7 WHEREAS, on Friday, October 12, 2007 Plaintiff's counsel informed Defendants' counsel
8 of Plaintiff's intention to file an amended complaint alleging copyright infringement and to
9 withdraw her Motion to Remand; and

10 WHEREAS, in order to conserve resources, the parties wish to enter a schedule whereby
11 Plaintiff amends her Complaint before the briefing and hearing on Defendants' Motion to Dismiss
12 Plaintiff's Complaint is completed;

13 WHEREAS, the parties therefore agree to continue the hearing on Defendants' Motion to
14 Dismiss;

15 WHEREAS, the parties have not previously sought a continuance of the hearing date on
16 Defendants' Motion to Dismiss;

17 WHEREAS, Plaintiff agrees to file her Amended Complaint on or before October 31,
18 2007;

19 WHEREAS, the parties agree that Defendants will submit their reply in support of their
20 Motion to Dismiss, or, if necessary a new motion to dismiss, within ten court days of being served
21 with Plaintiff's Amended Complaint;

22 NOW THEREFORE, IT IS HEREBY STIPULATED, by and between the parties through
23 their counsel of record, that:

- 24 • Plaintiff hereby withdraws her Motion to Remand with prejudice;
- 25 • The hearing on Defendants' Motion to Dismiss is continued to November 29, 2007
- 26 at 2:00 p.m.;
- 27 • Plaintiff shall file her amended complaint on or before October 31, 2007; and

- Defendants shall file their reply in support of their Motion to Dismiss, or, if necessary, file a new motion to dismiss, on or before ten court days after being served with Plaintiff's Amended Complaint.

DATED: October 18, 2007

ROBINSON & WOOD, INC.

By /s/ Archie S. Robinson

Archie S. Robinson

Attorneys for Plaintiff Deborah J. Thomas

DATED: October 18, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /s/ Evette D. Pennypacker

Evette D. Pennypacker

Attorneys for Defendants The Walt Disney
Company, Walt Disney Pictures, Disney Book
Group, LLC, Pixar, and Disney Enterprises, Inc.

Order

Pursuant to the foregoing stipulation between the parties, IT IS SO ORDERED.

DATE: _____

United States District Judge

Signature Attestation

I hereby attest that Plaintiff's counsel, Archie S. Robinson, read and agreed to the above
**STIPULATION AND [PROPOSED] ORDER REGARDING PLAINTIFF'S MOTION TO
REMAND AND DEFENDANTS' MOTION TO DISMISS** and gave Quinn Emanuel
permission to sign and file the stipulation on his behalf.

DATED: October 18, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /s/ Evette D. Pennypacker

Evette D. Pennypacker
Attorneys for Defendants The Walt Disney
Company, Walt Disney Pictures, Disney Book
Group, LLC, Pixar, and Disney Enterprises, Inc.